

THE HONOURABLE SRI JUSTICE V.V.S.RAO
WRIT PETITION NO.8761 OF 2007

BETWEEN

Yama Chandra Sekhar

... Petitioner

AND

The District Collector, Khammam and another.

... Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO
WRIT PETITION NO.8761 OF 2007

ORDER:

This writ petition is filed challenging notice issued by second respondent in Form II bearing case No.C.584/2007, dated 10.04.2007,

under Rule 3 of A.P.Assigned Lands (Prohibition of Transfers) Rules, 2007 (the Rules, for brevity). In the said notice, petitioner was informed that he is found to be the transferee of assigned land in contravention of provisions of Section 3(2) of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 and he was directed to show cause why he should not be summarily evicted from the land.

The petitioner alleges that the land admeasuring Acs.2.36 in survey No.142/4 was assigned to his father on 02.05.1970. During his lifetime, he cultivated the land and constructed house in one corner of the land. The petitioner succeeded to the property. Pattadar pass book and title deed were also obtained. The second respondent issued notice on 27.12.2004 alleging that the land was not cultivated. The petitioner submitted explanation on 24.01.2005. However, alleging that there is interference with the possession, petitioner filed W.P.No.330 of 2005, which was disposed of by this Court on 20.01.2005 directing the Mandal Revenue Officer (MRO) to consider the representation and pass necessary orders. The MRO again issued another notice on 24.02.2007, to which the petitioner submitted reply on 08.03.2007. Even when the enquiry was pending, impugned notice was issued under the Rules.

Learned counsel for petitioner contends that the allegation that he has changed the nature of the land is not correct, that the land was assigned by his father, which is still under his possession and that by issuing notices repeatedly the second respondent is harassing petitioner. It is now axiomatic that against show cause notice, writ petition would not lie. All questions can be raised before the authority, who issued show cause notice. If at this stage, any opinion is expressed, that would be not proper. Therefore, the petitioner is given liberty to file objections immediately. As and when such objections are filed, the Tahsildar may consider the same and pass appropriate orders. The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO,J)

26.04.2007.

pln